

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

STATE OF GEORGIA,

v.

JEFFREY BOSSERT CLARK,

DEFENDANT.

Case No. _____

(Related to:

Case No. 1:23-cv-03621-SCJ)

Judge Steve C. Jones

On removal from the Fulton
County Superior Court

DECLARATION OF HARRY W. MACDOUGALD

My name is Harry W. MacDougald. I am over the age of 18, suffer no mental imparities, and have personal knowledge of the following:

1.

I am an attorney and partner at the law firm of Caldwell, Carlson, Elliott & DeLoach, LLP. I am a member of the State Bar of Georgia and am admitted to practice before this Court. I represent Jeffrey B. Clark in this matter.

2.

On August 15, 2023, and thereafter, my assistant retrieved certain information from the website of the Clerk of the Superior Court of Fulton County.

3.

At the address <https://www.fultonclerk.org/DocumentCenter> a search for Case No. 22-EX-000024 will eventually lead one to the following webpage, <https://www.fultonclerk.org/DocumentCenter/Index/94?Grid-orderBy=LastModifiedDate-desc> which purports to list all filings in that case number, known as *In Re: Special Purpose Grand Jury*, Case No. 22-EX-000024. As of August 20, 2023, the search results listed 172 filings, in reverse chronological order. However, the documents available on that page do not include certain filings like the order approving the creation of the Special Purpose Grand Jury on January 9, 2022 and other filings from before July 19, 2022. Further, it appears that (a) several items in the Clerk’s listing may be duplicates; (b) the filings were in chronological order on August 15 but are now in reverse chronological order on August 20; (c) only the first page of a several-hundred page filing by President Trump from May 20, 2023 is available; and (d) the case is simply not on the Court’s electronic filing system — all filings are file-stamped by hand, and the case cannot be found on the e-filing vendors’ systems, Odyssey or PeachCourt. This is despite the case being listed on the Clerk’s “High Profile Cases” page. See <https://www.fultonclerk.org/480/High-Profile-Cases> (last visited Aug. 21, 2023). My assistant downloaded all the documents available at the webpage listed above on August 15, 2023 and I later retrieved an additional filing

made August 16, 2023. We ended up with 174 documents and have thus far been unable to reconcile the discrepancy, largely due to the changes in the presentation on the Clerk's website between August 15 and August 20, 2023, and the existence of what appear to be duplicate filings in the Clerk's listing. The list of documents in Exhibit A hereto is a document that I created from the file names for each filing, which we have edited to insert the Exhibit number and the date as a prefix. Exh. A to this Declaration is thus not an official docket but is a reasonable approximation that my assistant and I prepared based on the information available from the Clerk's website since no official docket is apparently available from the Clerk.

4.

The documents filed as exhibits to this declaration as Exhibits B-1 – B-174 are true and correct copies of all of the filings retrieved and downloaded as described above from the Clerk's listing for *In Re: Special Purpose Grand Jury*, Case No. 22-EX-000024.

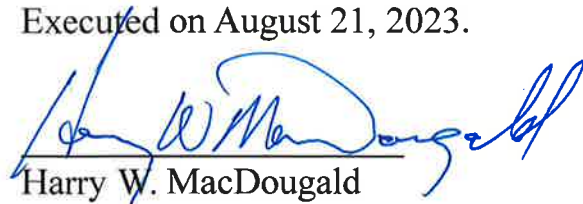
5.

One particular document is not available in full, and that is the March 20, 2023 Motion to Quash filed by President Trump. For reasons unknown to me, only the first page of that very lengthy document will download from the Clerk's website, and that is Exh. B-145.

6.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on August 21, 2023.



Harry W. MacDougald

Docket**In Re: Special Purpose Grand Jury****Fulton Superior Court Case No. 2022-EX-000024****Judge Robert C. I. McBurney**

B-001	01.24.2022	EX PARTE ORDER OF THE JUDGE.pdf
B-002	05.25.2022	EX PARTE ORDER OF THE JUDGE 1 (1).pdf
B-003	05.25.2022	EX PARTE ORDER OF THE JUDGE 1.pdf
B-004	05.25.2022	EX PARTE PETITION.pdf
B-005	06.27.2022	EX PARTE FILING.pdf
B-006	06.28.2022	EX PARTE ORDER OF THE JUDGE Request to Use Recording Device_AJC.pdf
B-007	06.29.2022	EX PARTE ORDER Request to Use Recording Device_CNN.pdf
B-008	06.30.2022	EX PARTE FILING.pdf
B-009	06.30.2022	EX PARTE ORDER Request to Use Recording Device_Kate Brumback.pdf
B-010	06.30.2022	EX PARTE ORDER Request to Use Recording Device_WSB-TV_Radio.pdf
B-011	07.01.2022	EX PARTE FILING 2.pdf
B-012	07.01.2022	EX PARTE ORDER Request to Use Recording Device_WXIA.pdf
B-013	07.05.2022	EX PARTE ORDER Certificate of Material Witness (2).pdf
B-014	07.05.2022	EX PARTE ORDER Certificate of Material Witness 8.pdf
B-015	07.05.2022	EX PARTE ORDER Certificate of Material Witness.pdf
B-016	07.05.2022	EX PARTE ORDER OF THE JUDGE 9.pdf
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B-034	07.19.2022	MOTION TO QUASH AND DISQUALIFY.pdf
B-035	07.19.2022	Notice of Hearing.pdf
B-036	07.19.2022	Opposition to Motion to Disqualify Prosecutor.pdf
B-037	07.20.2022	Notice to Appear -Rudolph Guillian.pdf
B-038	07.20.2022	Request to Install Recording Equipment_NBC.pdf
B-039	07.20.2022	Request to Use Recording Device Rule 22_Claire Simms.pdf
B-040	07.20.2022	Request to Use Recording Device Rule 22_CNN.pdf
B-041	07.20.2022	Request to Use Recording Device Rule 22_Kate Brumback.pdf
B-042	07.20.2022	Request to Use Recording Device Rule 22_Tamar Hallerman AJC.pdf
B-043	07.20.2022	Request to Use Recording Device Rule 22_WSB-TV.pdf
B-044	07.22.2022	Supplemental Brief in Support of Motion to Disqualify Prosecutor.pdf

B-045	07.25.2022	Order to Disqualify District Attorney.pdf
B-046	07.26.2022	Addendum to Order Disqualifying District Attorneys Office.tif
B-047	07.29.2022	Notice of Removal of Action to The United States Dictric Court for The Northern Dictriect of GA.pdf
B-048	08.01.2022	Motion for Leave to File Under Seal.pdf
B-049	08.03.2022	EX PARTE FILING.pdf
B-050	08.08.2022	DA RESP TO EMERGENCY MOTION-R GIULIANI.pdf
B-051	08.08.2022	R. GIULIANI - EMERGENCY MOTION TO CONTINUE HEARING.pdf
B-052	08.08.2022	Request to Use Recording Device Rule 22_AJC.pdf
B-053	08.08.2022	Request to Use Recording Device Rule 22_Associated Press.pdf
B-054	08.08.2022	Request to Use Recording Device Rule 22_LeftRightTV.pdf
B-055	08.08.2022	Request to Use Recording Device Rule 22_Warner Media.pdf
B-056	08.08.2022	Request to Use Recording Device Rule 22_WSB-TV.pdf
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B-061	08.18.2022	Request to Use a Recording Device Rule 22_FOX5.pdf
B-062	08.18.2022	Request to Use a Recording Device Rule 22_HALLERMAN- RANKIN - AJC.pdf
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B-066	08.23.2022	Request to Use a Recording Device Rule 22_MORRIS - YOUD - KIRKLAND.pdf
B-067	08.23.2022	Request to Use a Recording Device Rule 22_NEWKIRK - PULLEY - BLOOMBERG PHOTOGRAPHER.pdf
B-068	08.23.2022	Request to Use a Recording Device Rule 22_SANDRA PARRISH.pdf
B-069	08.23.2022	Request to Use a Recording Device Rule 22_WXIA-TV.pdf
B-070	08.23.2022	RESPONSE IN OPPOSITION TO WITNESS GOV BRIAN KEMPS MOTION TO QUASH.pdf

B-071	08.24.2022	Request to Use a Recording Device Rule 22_WABE-NPR.pdf
B-072	08.25.2022	CERTIFICATE OF MATERIAL WITNESS (BORIS EPSHTEYN).pdf
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B-074	08.25.2022	CERTIFICATE OF MATERIAL WITNESS (SIDNEY KATHERINE POWELL).pdf
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B-076	08.25.2022	MOTION TO QUASH GRAND JURY SUBPOENA BY KENNETH CHESEBRO.pdf
B-077	08.25.2022	MOTION TRANSCRIPT (7-25-22).pdf
B-078	08.25.2022	NOTICE OF APPEARANCE-S DEREK BAUER.pdf
B-079	08.25.2022	ORDER DENYING MOTION TO RECONSIDER DISQUALIFICATION REQUEST.pdf
B-080	08.25.2022	PETITION FOR CERTIFICATION (MARK RANDALL MEADOWS).pdf
B-081	08.25.2022	PETITION FOR CERTIFICATION (BORIS EPSHTEYN).pdf
B-082	08.25.2022	PETITION FOR CERTIFICATION (JAMES PHIL WALDRON).pdf
B-083	08.25.2022	PETITION FOR CERTIFICATION (SIDNEY KATHERINE POWELL).pdf
B-084	08.26.2022	DA RESPONSE TO MOTION TO QUASH GRAND JURY SUBPOENA BY KENNETH CHESEBRO.pdf
B-085	08.29.2022	EX PARTE ORDER Denying Motion to Quash (2).pdf
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B-087	08.30.2022	OPPOSITION TO STATES MOTION FOR LEAVE TO FILE UNDER SEAL.pdf
B-088	09.02.2022	PETITION FOR CERTIFICATION- B. EPSHTEYN.pdf
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B-090	09.02.2022	CERTIFICATE OF MATERIAL WITNESS- WILLIE FLOYD III.pdf
B-091	09.02.2022	PETITION FOR CERTIFICATION- W. FLOYD III.pdf
B-092	09.06.2022	EX PARTE FILING A.pdf
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B-095	09.08.2022	AJC'S RESPONSE TO MOTION FOR IN CAMERA PROCEEDING.pdf
B-096	09.15.2022	ORDER Granting Verified Application for Pro Hac Vice - Miles M. Hart.pdf

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B-102	10.03.2022	MOTION TO DISQUALIFY ATTORNEYS HOLLY A PIERSON - KIMBERLY BOUROUGHS DEBROW.pdf
B-103	10.03.2022	ORDER SEALING MOTION.pdf
B-104	10.03.2022	STANDING ORDER REGARDING THE SEALING OF WARRANTS WARRANT AFFIDAVITS WARRANT RETURNS AND NON-
B-105	10.07.2022	Certificate of Material Witness (2).pdf
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B-155	05.10.2022	STATES MODIFICATION OF MOTION TO DISQUALIFY.pdf
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B-158	05.16.2022	REQUEST FOR TIME TO FILE A REPLY TO THE RESPONSES TO PRES TRUMP MOTION TO QUASH THE SPGJ REPORT.pdf
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